

Information Disclosure Statement

In the Office Action it was requested that copies of the PCT, foreign patent, and non-patent documents missing from the parent application 08/246,320 be submitted. Applicants have included the requested documents herewith. Applicant was unable to obtain one reference, "*Super Elastic Nickel-Titanium Wires*" by Dieter Stoeckel and Weikang Yu of Ray Chem Corporation, Menio Park, California, copy received November 12, 1992. If and when Applicant obtains a copy of the reference, we will forward it to you.

Claim Rejections – 35 USC §112

In regard to the §112 rejection, the Office Action asserts that the limitation of claim 22 of "each connecting member preset with an elasticity which causes the connecting member to elongate longitudinally when the annular elements are in their expanded state" lacks original support because the original specification did not contemplate presetting the elasticity to elongate as presently claimed.

In response, Applicants assert that this limitation is inherent in the specification and figures as filed, as well as in U.S. Application 08/737,492, filed November 18, 1996 and U.S. Application 08/246,320 filed May 19, 1994 from which the present Application claims priority. The stent of FIGs. 11a and 11b, as presented in the present Application, as well as in the parent and grandparent Applications, has connectors which elongate longitudinally when the annular elements are in the expanded state. The connectors include a balloon expandable portion which will exhibit an elasticity (i.e. a tendency to rebound). The elasticity is inherently preset. The stent of FIGs. 11 is shown in an unexpanded state in FIG. 11a and in an expanded state with an elongated connector in FIG. 11b. In light of the above, Applicants assert that the feature of "each connecting member preset with an elasticity which causes the connecting member to elongate longitudinally when the annular elements are in their expanded state" as recited in claim 22 is fully supported by the specification as originally filled and FIGs. 11a and 11b in particular.

Turning now to the rejection of claims 33 and 34, the Office Action asserts that in regard to claim 33, no clear original support is provided for annular elements (segments) that assume a different diameter when the annular elements are in their expanded state. In order to advance prosecution of the claims, Applicants have cancelled claim 33 from the Application.

In regard to claim 34, the Office Action asserts that there is no clear original support for an alternating pattern as claimed. In response, Applicants respectfully direct the Examiner's attention to the embodiments shown in FIGs. 5a, and 9a-13 wherein a stent is shown wherein the annular elements and connecting members define an alternating longitudinal pattern of annular elements and connecting members. Applicants note that one of ordinary skill in the art will recognize the alternating pattern of annular elements and connecting members present in the various embodiments shown.

In light of the above, the §112 rejection to claims 22-35 has been overcome.

Claim Rejections – 35 USC § 102

Claims 22-34 were rejected under §102 as being anticipated by Roubin, where the effective filing date of the present claims is October 26, 1999. As indicated above, the present claims have a priority date of May 19, 1994 which predates Roubin's October 26, 1998 filing date. Because Roubin is not prior art to the instant claims Roubin does not anticipate the instant claims. As a result, the rejection is respectfully overcome.

FORMALITIES

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicants hereby petition for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

CONCLUSION

In view of the foregoing it is believed that the present application, with claims 22-32 and 34-35 is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,
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Date: July 9, 2002

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